

House Bill 908 (COMMITTEE SUBSTITUTE)

By: Representatives Ralston of the 7th, Keen of the 179th, Davis of the 109th, Bearden of the 68th, Everson of the 106th, and others

:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the Sexual Offender Registration Review Board, so as to repeal certain provisions relating to residency and employment restrictions for certain sexual offenders; to change a definition; to provide for restrictions on where sexual offenders and sexually dangerous predators may reside, work, volunteer, or loiter; to provide for definitions; to provide for punishment; to provide for exemptions from certain residency and employment restrictions; to provide for civil causes of action; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the Sexual Offender Registration Review Board, is amended by repealing in its entirety Code Section 42-1-15, relating to the restrictions on registered offenders residing, working, or loitering within certain areas, the penalties for violations, and civil causes of action.

SECTION 2.

Said article is further amended by revising paragraph (3) of subsection (a) of Code Section 42-1-12, relating to the State Sexual Offender Registry, as follows:

"(3) 'Area where minors congregate' shall include all public and private parks and recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, school bus stops, public libraries, and public and community swimming pools."

SECTION 3.

Said article is further amended by revising subsection (a) of Code Section 42-1-12, relating to the State Sexual Offender Registry, by adding a new paragraph to read as follows:

H. B. 908 (SUB)

1 as applicable, if such individual successfully complies with subsection (f) of this Code
2 section.

3 (2) An individual owning real property and residing on such property or being employed
4 within 1,000 feet of a prohibited location, as specified in subsection (b) or (c) of this
5 Code section, shall not be guilty of a violation of this Code section if such individual had
6 established such property ownership or employment prior to July 1, 2006, and such
7 individual successfully complies with subsection (f) of this Code section.

8 (f) If an individual is notified that he or she is in violation of subsection (b) or (c) of this
9 Code section, and if such individual claims that he or she is exempt from such prohibition
10 pursuant to subsection (e) of this Code section, such individual shall provide sufficient
11 proof demonstrating his or her exemption to the sheriff of the county where the individual
12 is registered within ten days of being notified of any such violation. For purposes of
13 providing proof of residence, the individual may provide a driver's license, government
14 issued identification, or any other documentation evidencing where the individual's
15 habitation is fixed. For purposes of providing proof of property ownership, the individual
16 shall provide a copy of his or her warranty deed, quitclaim deed, or voluntary deed, or other
17 documentation evidencing property ownership. For purposes of providing proof of
18 employment, the individual may provide an Internal Revenue Service Form W-2, a pay
19 check, or a notarized verification of employment from the individual's employer, or other
20 documentation evidencing employment. Such employment documentation shall evidence
21 the location in which such individual actually carries out or performs the functions of his
22 or her job. Documentation provided pursuant to this subsection may be required to be date
23 specific, depending upon the individual's exemption claim.

24 (g) Any sexual offender who knowingly violates the provisions of this Code section shall
25 be guilty of a felony and shall be punished by imprisonment for not less than ten nor more
26 than 30 years.

27 (h) Nothing in this Code section shall create, either directly or indirectly, any civil cause
28 of action against or result in criminal prosecution of any person, firm, corporation,
29 partnership, trust, or association other than an individual required to be registered under
30 Code Section 42-1-12."

31 SECTION 5.

32 All laws and parts of laws in conflict with this Act are repealed.